

## DIVISION 6. - PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

### Sec. 78-461. - Defined.

A planned unit development (PUD) is a type of land development project constructed as a single entity in which the mix of uses, dimensional standards, provision of open space, and/or other unique aspects of the project do not match one or more of the normal requirements of this chapter. In addition, PUDs:

- (1) Satisfy the general intent of this chapter and advance the city's comprehensive plan.
- (2) Require rezoning to a PUD zoning district, which allows differing development standards for each proposed PUD project.
- (3) Demonstrate a high level of site planning and development quality before city approvals for such projects are granted.

(Code 1968, § 9.33(1); Ord. No. 237, 4-10-2006)

**Cross reference**— Definitions generally, § 1-2.

### Sec. 78-462. - Purpose and intent.

The PUD is a separate zoning district within the city. It is established in this chapter to provide a regulatory framework designed to encourage and promote improved environmental design by allowing for greater freedom, imagination and flexibility in the development of land while insuring substantial compliance to the basic intent of this chapter and the comprehensive plan. To this intent it allows diversification and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relation to public service and to encourage and facilitate preservation of open land.

(Code 1968, § 9.33(2))

### Sec. 78-463. - Requirements.

- (a) In the PUD district the requirements of this chapter may be relaxed at the discretion of the plan commission and common council in exchange for excellence in building, site and landscaping design which generally exceeds base ordinance standards.
- (b) A minimum of five acres of land shall be developed as a unit within each PUD project, except that PUD projects are allowed on smaller sites if they are adjacent to developed land for at least 75 percent of the site perimeter. The intent of this exception is to allow for creative redevelopment or infill development of smaller sites that are in mainly developed areas in need of reinvestment, including but not limited to a downtown area.
- (c) The specific land use mix, dimensional, and other standards applicable to the particular PUD shall be specified in the application materials and/or city conditions of PUD approval, and shall be enforced as if they were part of this chapter.

(Code 1968, § 9.33(3); Ord. No. 237, 4-10-2006)

### Sec. 78-464. - Off-street parking.

In the PUD district, off-street parking requirements included in division 3, article IV of this chapter may be relaxed at the discretion of the plan commission and the common council. Such requirements as are made a part of an approved recorded specific implementation plan shall be, along with the recorded plan itself, construed to be and enforced as a part of this chapter.

(Code 1968, § 9.33(4))

Sec. 78-465. - Criteria for approval.

As a basis for determining the acceptability of a planned unit development application, the following criteria shall be applied to the precise development plan for such district with specific consideration as to whether or not it is consistent with the spirit and intent of this chapter, has been prepared with competent professional advice and guidance, and produces significant benefits in terms of environmental design:

- (1) *Character and intensity of land use.* In a planned unit development, the uses proposed and their intensity and arrangement on the site shall be a visual and operational character which:
  - a. Are compatible with the physical nature of the site with particular concern for preservation of natural features, tree growth and open space.
  - b. Would produce an attractive environment of sustained aesthetic and ecological desirability, economic stability and functional practicality compatible with the general development plans for the area as established by the community.
  - c. Would not adversely affect the anticipated provision for school or other municipal services.
  - d. Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.
- (2) *Economic feasibility and impact.* The proponents of a planned unit development application shall provide evidence satisfactory to the plan commission of its economic feasibility, of available adequate financing and that it would not adversely affect the economic prosperity of the community or the values of surrounding properties.
- (3) *Engineering design standards.* The width of street right-of-way, width and location of street or other paving, outdoor lighting, location of sewer and water lines, provision for stormwater drainage or similar environmental engineering consideration shall be based upon determination as to the appropriate standards necessary to implement the specific function in the specific situation; provided, however, that in no case shall standards be less than those necessary to ensure the public safety and welfare as determined by the plan commission.
- (4) *Preservation and maintenance of open space.* In a planned community development area, adequate provision shall be made for the permanent preservation and maintenance of common open space either by private reservation or dedication of private land.
  - a. In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the public as part of the conditions for project approval an open space easement over such open areas restricting the area against any future building or use except as is consistent with that of providing landscaped open space for the aesthetic and recreational benefit of the development. Buildings or uses for limited commercial, recreational or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the development plan or subsequently, with the express approval of the common council following approval of building site and operational plans by the plan commission.
  - b. The care and maintenance of such open space reservation shall be ensured by establishment of an appropriate management organization for the project. The manner of ensuring maintenance and assessing such cost to individual properties shall be included in any contractual agreement and shall be included in the title to each property.

- c. Ownership and tax liability of private open space reservation shall be established and made a part of the conditions of the plan approval.
- (5) *Implementation schedule.* The applicants for a planned unit development district shall submit a reasonable schedule for the implementation of the development to the satisfaction of the plan commission including suitable provisions for assurance that each phase could be brought to completion in a manner which would not result in adverse effect upon the community as a result of termination at that point.

(Code 1968, § 9.33(5))

Sec. 78-466. - Procedure.

The procedure for obtaining a PUD shall be as required for any other zoning map amendment (rezoning) under this chapter, except that in addition thereto, the rezoning to the PUD district may only be considered in conjunction with the required general development plan, when consistent with the comprehensive plan, and shall be subject to the following additional requirements:

- (1) *General development plan.* The applicant shall file with the building inspector and the plan commission a general development plan which shall include the following information:
  - a. A statement describing the general character of the intended development.
  - b. An accurate map of the project area including its relationship to surrounding properties and existing topography and key features using two-foot contour intervals.
  - c. A plan of the proposed project showing at least the following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in division 2, article II of this chapter:
    - 1. The pattern of proposed land use including shape, size and arrangement of proposed use areas, density and environmental character.
    - 2. The pattern of public and private streets.
    - 3. The location, size and character of recreational and open space areas reserved or dedicated for public uses such as schools, parks, greenways, etc.
    - 4. A utility feasibility study.
  - d. Appropriate statistical data on the size of the development, ratio of various land uses, percentages of multifamily units by number of bedrooms, economic analysis of the development, expected staging, and any other plans or data pertinent to evaluation by the community under the criteria of this division.
  - e. General outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services.

(Code 1968, § 9.33(6); Ord. No. 310, § 15, 7-6-2010)

Sec. 78-467. - Referral and hearing.

- (a) Within 60 days after completion of the filing of the petition for approval of a preliminary proposal, the plan commission shall schedule the required public hearing.
- (b) Following the public hearing, the plan commission shall recommend approval, approval with conditions, or denial of the general development plan to the common council. The common council shall then take action to approve or deny the proposed rezoning to the PUD district and general development plan. Approval of the rezoning to PUD and associated general development plan shall establish the basic right of use for the area in conformity with the plan as approved, which shall be

recorded as an integral component of the district regulations, but such plan shall be conditioned upon approval of a specific implementation plan, and shall not make permissible any of the uses as proposed until a specific implementation plan is submitted and approved for all or a portion of the general development plan area. If the approved general development plan submittal is sufficiently detailed to also meet the requirements for a specific implementation plan, a separate approval process for a specific implementation plan shall not be required.

(Code 1968, § 9.33(7))

Sec. 78-468. - Specific implementation plan.

A specific and detailed plan for implementation of all or part of a proposed planned unit development must be submitted within one year after receiving general development plan approval from the common council. If a specific implementation plan has not been submitted within such time, the previously approved general development plan shall be considered null and void, and a new petition and approval process shall be required to obtain approval of the same or a revised general development plan. The specific implementation plan shall be submitted to the plan commission, shall be consistent with the comprehensive plan and shall include the following detailed construction and engineering plans and related detailed documents and schedules:

- (1) An accurate map of the area (at a scale of one inch equals 100 feet) covered by the plan including the relationship to the total general development plan.
- (2) The pattern of public and private roads, driveways, walkways and parking facilities.
- (3) Detailed lot layout and subdivision plat where required.
- (4) The arrangement of building groups, other than single-family residences, and their architectural character.
- (5) Sanitary sewer and water mains.
- (6) Grading plan and storm drainage system.
- (7) The location and treatment of open space areas and recreational or other special amenities.
- (8) The location and description of any areas to be dedicated to the public.
- (9) General landscape treatment.
- (10) Proof of financing capability.
- (11) Analysis of economic impact upon the community.
- (12) A development schedule indicating:
  - a. The approximate date when construction of the project can be expected to begin;
  - b. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
  - c. The anticipated rate of development;
  - d. The approximate date when the development of each of the stages will be completed; and
  - e. The area and location of common open space that will be provided at each stage.
- (13) Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the planned community development and any of its common services, common open areas or other facilities.
- (14) A detailed signage plan meeting the requirements of section 78-1703.
- (15) Any other plans, documents or schedules by the commission, including but not limited to materials required for site plan review under subsection 78-271(2) of this chapter.

(Code 1968, § 9.33(8); Ord. No. 237, 4-10-2006; Ord. No. 310, § 16, 7-6-2010)

Sec. 78-469. - Approval of the specific implementation plan.

- (a) Following submittal of the specific implementation plan, the plan commission shall review the submittal.
- (b) Following its review, the plan commission may approve the specific implementation plan as submitted, approve it with modifications, or disapprove it with reasons stated. If approved with modifications, the petitioner shall prepare and submit all required modifications to plans before building permits are issued.
- (c) In the event of approval of the specific implementation plan, the building, site and operational plans for the development, as approved, as well as all other commitments and contractual agreements with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the official submittal plans, shall be recorded by the developer within a reasonable period of time. This shall be accomplished prior to the issuance of any building permit.
- (d) Any subsequent change or addition to the plans or use shall first be submitted for approval to the plan commission and if, in the opinion of the plan commission, such change or addition constitutes a substantial alteration of the original plan, the procedure provided in section 78-468, and in this section shall be required.

(Code 1968, § 9.33(9))

Secs. 78-470—78-490. - Reserved.